

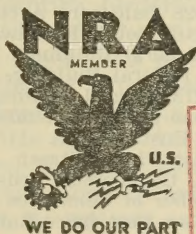
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

WRECKING AND SALVAGE
INDUSTRY

AS APPROVED ON OCTOBER 26, 1934



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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

WRECKING AND SALVAGE INDUSTRY

As Approved on October 26, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE
WRECKING AND SALVAGE INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Wrecking and Salvage Industry, and hearings having been duly held thereon and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise does hereby incorporate by reference, said annexed report and does find that said amendments and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended, such approval and such amendments to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the National Industrial Recovery Board issues a subsequent order to that effect:

PROVIDED, HOWEVER, that the proposed amendment which would add the States of Arkansas and Texas to those at present set forth in Section 1, Paragraph C of Article IV of the Code is hereby denied and the present provision of said Section and Paragraph of Article IV is to remain in full force and effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By G. A. LYNCH, *Administrative Officer.*

Approval recommended:

WALTER G. HOOKE,
Acting Division Administrator.

WASHINGTON, D. C.,
October 26, 1934.

REPORT TO THE PRESIDENT

The **PRESIDENT**,
The White House.

SIR: This is a report on Amendments to the Code of Fair Competition for the Wrecking and Salvage Industry, as approved by the Administrator for Industrial Recovery on March 3, 1934.

The purpose of the Amendments as approved is to define, for this Industry, the Metropolitan area of the City of New York. The further purpose of the Amendments is to enable the Code Authority to submit a budget and basis of assessment and to give it power to institute legal proceedings, if necessary, for the collection of assessments, to provide for the registration of members of the Industry and other features that will materially aid in the effective administration of this Code.

The Deputy Administrator in his final report to the Board on said Amendments to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The Amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(d) The Amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(e) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendments.

For these reasons these Amendments have been approved.

For the National Industrial Recovery Board:

G. A. LYNCH,
Administrative Officer.

OCTOBER 26, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE WRECKING AND SALVAGE INDUSTRY

1. To modify Article II by adding the following section to be known as 12:

12. The term "metropolitan area of the City of New York" is defined to mean the area within the territorial limits of the City of New York.

2. To amend Article III by the addition of the following section, to be known as 7:

7. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this industry (or otherwise), exceeds the maximum permitted hours.

3. Article IV to be amended as follows:

(a) Amend 1 (c) to read:

(c) Thirty cents (30¢) per hour in the States of Alabama, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Tennessee, Arkansas and Texas.

(b) To add the following section to be known as 6:

6. Wages as they become due shall be payable in lawful currency of the United States, or by negotiable check therefor payable on demand at par. If wages are paid by check, the employer shall provide reasonably accessible facilities for cashing such checks at face value without expense to the employee. Employers shall also provide such identification as is necessary to utilize such facilities. These wages shall be exempt from any payments for pensions, insurance or sick benefits other than those voluntarily paid by the wage earners, or required by law. Wages shall be paid at least semi-monthly. Employers or their agents shall not accept, directly or indirectly, rebates on such wages, nor give anything of value, nor extend any favors to any persons for the purpose of influencing rates of wages or working conditions of their employees.

(c) Amend 3 (c) by adding the following sentence:

The employment of persons whose earning capacity is limited because of age or physical or mental handicap, shall be subject to rules and regulations approved or prescribed by the President.

4. To amend Article V, as follows:

(a) Substitute a new 5, to read:

5. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent requirements as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection than are imposed by this Code. Every employer shall comply with the Workmens Compensation laws of the State in which operations are carried on.

- (b) Substitute a new 7, to read:

7. All employers shall post and keep posted copies of this Code in conspicuous places accessible to all employees at both yard and site. Every member of the industry shall comply with all rules and regulations relative to the posting of provisions of the Code of Fair Competition, which may from time to time be approved or prescribed by the National Industrial Recovery Board.

- (c) Delete 8 making 9 and 10 become 8 and 9.

- (d) Substitute a new 9 to read:

9. Every employer shall provide for the safety and health of employees during the hours and at the places of their employment. Standards for safety and health shall be substituted by the Code Authority to the National Industrial Recovery Board within sixty days after the effective date of this Amendment. After approval, such standards shall become the minimum standards of safety and health for all members of this Division.

5. To amend Article VI, as follows:

- (a) Substitute a new 5, to read:

5. If the National Industrial Recovery Board shall at any time determine that any action of the Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the National Industrial Recovery Board may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the National Industrial Recovery Board approves or unless it shall fail to disapprove after thirty (30) days' notice to it of intention to proceed with such action in its original or modified form.

- (b) Amend 6 (d) by adding the following sentence:

Provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code.

- (c) Delete (g) and (h) of 6, and (i), (j), (k) and (1) becoming (g), (h), (i) and (j).

- (d) Substitute a new 7, to read:

7. 1. It being found necessary in order to support the administration of this code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by

all members of the industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator or the National Industrial Recovery Board. Only members of the industry complying with the code and contributing to the expenses of its administration as hereinabove provided, (unless duly exempted from making such contribution) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved.

(e) To add a new section, to be known as 8:

8. Each member of the industry within thirty (30) days after the approval of the amendments to this code shall register with the Code Authority. All members of this industry who may engage in this industry thereafter shall likewise register with the Code Authority. Registration of a member of this industry shall include the full name and mailing address of the member. An application shall be made by the Code Authority to the National Industrial Recovery Board for an extension of the time limit for the registration by any member of this industry, if it appears that the time limit as provided herein might cause injustice or undue hardship to any member of this industry.

(f) Add a new section, to be known as 9:

9. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent or employee of the Code Authority. Nor shall any member of the Code Authority, exercising reasonable diligence in the conduct of his duties hereunder, be liable to anyone for any action or omission to act under this Code, except for his own wilful malfeasance or non-feasance.

